

REMARKS

This is in response to the Office Action mailed on April 29, 2004, and the references cited therewith.

Claims 1, 6-10, 12, 21, 25, and 27 are amended, and claims 28-33 are added; as a result, claims 1-33 are now pending in this application.

Examiner Interview Summary

On June 15, 2004, a telephone interview was conducted between the undersigned attorney and Examiners Alicia Torres and Thomas Will. Claims 1 and 25 were discussed. The Pansini, Thompson, and Majkrzak references were discussed. No agreement was reached.

§102 Rejection of the Claims

Claims 1, 2, 4, 5, 8-14, 21, 22, 24-27 were rejected under 35 USC § 102(b) as being anticipated by Pansini (U.S. Patent No. 2,975,791).

Claims 1, 2, 4, and 5

Claim 1 has been amended to better describe the subject matter recited in the claim. Support for the amended subject matter is found, among other places, in Figure 1 and the accompanying discussion on page 3, lines 13-19, of the specification. Applicant believes claim 1 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, a weed control system where a weed contacting member includes an elongate member extending in a parallel direction relative to a length of the support member, as recited in claim 1. In contrast, Pansini discusses a hose extending down from a pipe. Moreover, Applicant traverse the characterization that Pansini moves in a “repeating circular arc pattern,” as claimed. Pansini discusses a pool cleaner where a hose operates under a random motion to clean the pool. The hose of Pansini does not move in a repeating circular arc pattern.

Claims 2, 4, and 5 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claim 8, Claims 9-11, Claims 12-14, Claims 21, 22 and 24

Independent claims 8, 9, 12, and 21 have been amended in a similar manner as claim 1, and the above discussion is incorporated herein by reference. Reconsideration and allowance is respectfully requested.

Claims 25 and 26

Applicant has amended claim 25 to better describe the subject matter recited in the claim. Applicant believes claim 25 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, a method including repeatedly brushing a bed of weeds with a weed contacting member which is suspended and freely hanging down from a support member located proximate a surface of the lake or river, as recited in claim 25. In contrast, Pansini discusses a system to clean a swimming pool. The Pansini reference is not applicable to a lake or river at all.

Claim 26 includes each limitation of parent claim 25 and is therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claim 27

Applicant has amended claim 27 to better describe the subject matter recited in the claim. Applicant believes claim 27 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, a method of controlling weeds in a lake or river which includes coupling a first end of a support member to a stationary unit proximate the lake or river such that the support member extends over a surface of the lake or river, suspending a weed contacting member from the support member such that the weed contacting member is located beneath the surface, and moving the support member in a repeating circular arc pattern such that the weed contacting member repeatedly brushes against any weeds located proximate the weed contacting member to disintegrate the weeds. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 3 and 23 were rejected under 35 USC § 103(a) as being unpatentable over Pansini (U.S. Patent No. 2,975,791) in view of Thompson et al. (U.S. Patent No. 4,137,693). Claims 3 and 23 depend from claims 1 and 21 respectively. Applicant believes claims 1 and 21 are not obvious in view of the cited references since even if combined, the combination does not include each limitation recited in the claims. For instance, a weed contacting member includes an elongate member extending in a parallel direction relative to a length of the support member. Neither reference includes such subject matter. Moreover, Applicant traverses the combination of the two cited references. Thompson discusses a rake for removing weeds from a lake. Pansini is directed to a pool cleaner. These are two different tasks requiring differing apparatus and technique. There is no suggestion or motivation in the art to look from one field to the other.

Allowable Subject Matter

Applicant acknowledges the allowance of claims 15-20.

Claims 6 and 7 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6 and 7 have been rewritten as independent claims 32 and 33, respectively.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of July, 2004.

Paula Sutty
Name

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Signature